

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|            |   |   |   |           |
|------------|---|---|---|-----------|
| Applicant  | : | Axel Thomson                            | ) | Examiner: |
|            |   |   | ) | Julie Ha  |
| Serial No. | : | 10/528,267                              | ) |           |
|            |   |   | ) | Art Unit: |
| Cnfrm. No. | : | 3481                                    | ) | 1654      |
|            |   |   | ) |           |
| Filed      | : | September 17, 2003                      | ) |           |
|            |   |   | ) |           |
| For        | : | A METHOD OF PROTECTING A PATIENT FROM   | ) |           |
|            |   | POSSIBLE ADVERSE EFFECTS OF INHIBITION  | ) |           |
|            |   | OF THE SHH-SIGNALLING PATHWAY BY        | ) |           |
|            |   | SUPPRESSING TESTOSTERONE OR ITS EFFECTS | ) |           |
|            |   | IN THE PATIENT                          | ) |           |

---

**RESPONSE TO RESTRICTION AND/OR ELECTION OF SPECIES REQUIREMENTS**

**Mail Stop: Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This submission is in response to the office action dated March 9, 2007, which imposed a lack of unity objection and required applicant to elect two distinct species from the groups recited in (i) claims 5 and 25, and (ii) claims 8 and 29. Applicant hereby elects the following species with traverse: from the list of species in group (i), a GnRH agonist as the testosterone suppressor; and from the list of species in group (ii), prostate cancer as the proliferative disease. Claims reading on the elected species include claims 1-8, 18, 19, 21, and 24-29.

Applicant traverses the holding of lack of unity on the basis that no lack of unity objection was raised during the international phase. For this reason, any determination of lack of unity is improper and should be withdrawn. Applicants further submit that the several species are not so numerous as to constitute an undue burden, in which case the entirety of the claimed subject matter should be searched.

Respectfully submitted,

Date: May 3, 2007

/Edwin V. Merkel/  
Edwin V. Merkel  
Registration No. 40,087

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (585) 263-1128  
Facsimile: (585) 263-1600